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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,072	01/23/2004	Paul Scheb JR.	SCH1.001	8004

39863 7590 04/18/2006

SONNABENDLAW
600 PROSPECT AVE
BROOKLYN, NY 11215

EXAMINER

LAYNO, BENJAMIN

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/764,072

Applicant(s)

SCHEB ET AL.

Examiner

Benjamin H. Layno

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3711.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-27, 29-46 and 48-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-8, 10-27, 29-46 and 48-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's arguments, see amendment, filed 02/27/06, with respect to the rejection(s) of claim(s) 1, 20 and 39 under 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Jones and Timmons, Sr.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1, 20 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Timmons, Sr.

The Applicant is referred to the combined teachings of Jones and Timmon, Sr. in the first Office action mailed 08/19/05.

Timmons discloses a method of playing a game of chance using **three** dice, Fig.

1. Timmons game includes a wagering area indicating a **"Straight"** 112 having **non-equal combinations** of three dice (e.g. **1-2-3, 2-3-4**, etc.). In view of such teaching, it would have been obvious to incorporate an additional wagering area to Jones' trifecta wagers 34-39. The additional wagering area would have represented non-equal combinations of three dice "Straight" (e.g. 1-2-3, 2-3-4, etc.). This modification would have provided more wagering areas for players to choose from in Jones' game, thus giving the players the perception of having a better chance at winning.

In view of Timmons' teaching above, it would have been also obvious to a person having ordinary skill in the art to further include an additional wagering area to Jones' double wagers 20. The additional wagering area would have represented non-equal combinations of **two** dice "Straight" (e.g. 1-2, 2-3, 3-4, etc.). This modification would have also provided more wagering areas for players to choose from in Jones' game.

4. Claims 2-8, 10-19, 21-27, 29-38, 40-46 and 48-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Timmons, Sr. as applied to claim 1 above, and further in view of Meeks.

The Applicant is referred to the teaching of Timmons in the first Office action.

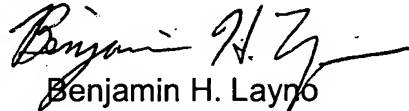
The patent to Meeks teaches that it is known in dice gambling games to provide an under wager and an over wager being separated by a pivot value "7", see fig. 1. In view of such teaching, it would have been obvious modify Jones game by incorporating an under wager and an over wager being separated by a pivot value. This modification would have provided more wagering opportunities, thus giving the player the perception of more wagering opportunities to choose from increasing their chance at winning.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin H. Layno whose telephone number is (571) 272-4424. The examiner can normally be reached on Monday-Friday, 1st Friday Off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim can be reached on (571)272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Benjamin H. Layno
Primary Examiner
Art Unit 3711

bhl